	Application No.	Applicant(s)
Notice of Allowability	10/774,246	SWILDENS ET AL.
	Examiner	**Art Unit**	
	Jinsong Hu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

1. ☒ This communication is responsive to _RCE filed on 11/13/06_.

2. ☒ The allowed claim(s) is/are _1-40_.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _11/13/06_

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears bellow. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as proved

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

2.   Authorization for this Examiner's Amendment was given in a telephone interview

with Mr. Kirk D. Wong (Reg. No. 43,284) on December 7, 2006.

Please amend claims 1, 5, 11, 15, 21, 25, 31 and 35 as follow:

Claim 1. (Currently Amended)   A machine implemented method, comprising:

sending a Web page resident on a customer Web server to a requesting user,

the Web page including static content represented by an embedded URL;

wherein the static content is served by a plurality of Web caches within a POP

server network;

wherein the customer is a customer of a service that operates the plurality of

Web caches; ~~and~~

wherein the customer pays a fee to the service for use of the plurality of Web

caches storing static content for the customer[[.]] ;

determining service metrics of the plurality of Web caches;

selecting a Web cache from the plurality of Web caches, the Web cache having

service metrics more appropriate for a user request from the Web page than service

metrics of other Web caches in the plurality of Web caches; and

sending the user request for the static content to the Web cache.

Claim 5. (Currently Amended) The method of Claim 1, ~~further comprising:~~

wherein the determining service metrics step ~~of the plurality of Web caches using~~

uses a probe server to determine service metrics of the plurality of Web caches;

wherein the selecting a Web cache step ~~from the plurality of Web caches using~~

uses a DNS server to select the Web cache from the plurality of Web caches, ~~the Web~~

~~cache having service metrics more appropriate for a user request from the Web page~~

~~than service metrics of other Web caches in the plurality of Web caches~~; and

~~sending the user request for the static content to the Web cache; and~~

wherein the Web cache sends the static content to the requesting user.

Claim 11. (Currently Amended) A method, comprising:

sending a Web page resident on a customer Web server to a requesting user,

the Web page including cacheable content represented by an embedded URL and

dynamic content represented by a second embedded URL;

wherein the dynamic content is served by a plurality of customer Web servers;

wherein the cacheable content is served by a plurality of Web caches within a

POP server network;

wherein the customer is a customer of a service that operates the plurality of Web caches; ~~and~~

wherein the customer pays a fee to the service for use of the plurality of Web caches storing static content for the customer[[.]] :

determining service metrics of the plurality of Web caches;

selecting a Web cache from the plurality of Web caches, the Web cache having service metrics more appropriate for a user request from the Web page than service metrics of other Web caches in the plurality of Web caches; and

sending the user request for the static content to the Web cache.

Claim 15. (Currently Amended) The method of Claim 11, ~~further comprising:~~

wherein the determining service metrics step ~~of the plurality of Web caches using~~ uses a probe server to determine service metrics of the plurality of Web caches;

wherein the selecting a Web cache step ~~from the plurality of Web caches using~~ uses a DNS server to select the Web cache from the plurality of Web caches, ~~the Web cache having service metrics more appropriate for a user request from the Web page than service metrics of other Web caches in the plurality of Web caches~~; and

~~sending the user request for the static content to the Web cache; and~~

wherein the Web cache sends the static content to the requesting user.

Claim 21. (Currently Amended) An apparatus, comprising:

a module for sending a Web page resident on a customer Web server to a

requesting user, the Web page including static content represented by an embedded

URL;

wherein the static content is served by a plurality of Web caches within a POP

server network;

wherein the customer is a customer of a service that operates the plurality of

Web caches; and

wherein the customer pays a fee to the service for use of the plurality of Web

caches storing static content for the customer[[.]] :

a module for determining service metrics of the plurality of Web caches;

a module for selecting a Web cache from the plurality of Web caches, the Web

cache having service metrics more appropriate for a user request from the Web page

than service metrics of other Web caches in the plurality of Web caches;

a module for sending the user request for the static content to the Web cache.

Claim 25. (Currently Amended) The apparatus of Claim 21, ~~further comprising:~~

wherein the [[a]] module for determining service metrics ~~of the plurality of Web~~

~~caches using~~ uses a probe server to determine service metrics of the plurality of Web

caches;

wherein the [[a]] module for selecting a Web cache ~~from the plurality of Web~~

~~caches using~~ uses a DNS server to select the Web cache from the plurality of Web

~~caches, the Web cache having service metrics more appropriate for a user request from~~

~~the Web page than service metrics of other Web caches in the plurality of Web caches~~;

and

~~a module for sending the user request for the static content to the Web cache~~;

~~and~~

wherein the Web cache sends the static content to the requesting user.

Claim 31. (Currently Amended) An apparatus, comprising:

a module for sending a Web page resident on a customer Web server to a

requesting user, the Web page including cacheable content represented by an

embedded URL and dynamic content represented by a second embedded URL;

wherein the dynamic content is served by a plurality of customer Web servers;

wherein the cacheable content is served by a plurality of Web caches within a

POP server network;

wherein the customer is a customer of a service that operates the plurality of

Web caches; and

wherein the customer pays a fee to the service for use of the plurality of Web

caches storing static content for the customer[[.]] ;

a module for determining service metrics of the plurality of Web caches;

a module for selecting a Web cache from the plurality of Web caches, the Web

cache having service metrics more appropriate for a user request from the Web page

than service metrics of other Web caches in the plurality of Web caches;

a module for sending the user request for the static content to the Web cache.

Claim 35. (Currently Amended) The apparatus of Claim 31, ~~further comprising:~~

wherein the [[a]] module for determining service metrics ~~of the plurality of Web~~

~~caches using~~ uses a probe server to determine service metrics of the plurality of Web

caches;

wherein the [[a]] module for selecting a Web cache ~~from the plurality of Web~~

~~caches using~~ uses a DNS server to select the Web cache from the plurality of Web

caches~~, the Web cache having service metrics more appropriate for a user request from~~

~~the Web page than service metrics of other Web caches in the plurality of Web caches~~;

and

~~a module for sending the user request for the static content to the Web cache;~~

~~and~~

wherein the Web cache sends the static content to the requesting user.

Reasons for allowance

3.   The following is an examiner's statement of reasons for allowance:

Applicant's claimed invention distinguished over the prior art for the following

reasons. The claims are allowable over the prior art of record because none of the

references, either alone or in combination, discloses or renders obvious the method

comprises the steps of sending a Web page resident on a customer Web server to a

requesting user, the Web page including static content represented by an embedded

URL; wherein the static content is served by a plurality of Web caches within a POP

server network; wherein the customer is a customer of a service that operates the

plurality of Web caches; wherein the customer pays a fee to the service for use of the

plurality of Web caches storing static content for the customer; determining service

metrics of the plurality of Web caches; selecting a Web cache from the plurality of Web

caches, the Web cache having service metrics more appropriate for a user request from

the Web page than service metrics of other Web caches in the plurality of Web caches;

and sending the user request for the static content to the Web cache.

Conclusion

4.   Any comments considering necessary by applicant must be submitted no later

than the payment of issue fee and, to avoid processing delays, should preferably

accompany the issue fee.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965.

The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is (571)

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

December 8, 2006